



JAS MA Ref. No. 91901WL

Page 1

1992 WL 1352918 (Mass.Super.), JAS MA Ref. No. 91901WL

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Superior Court of Massachusetts
MARK EVANS v. TERRY DONAIS AND DEVEREAUX FOUNDATION
90-3477

DATE OF VERDICT/SETTLEMENT: July 25, 1992

TOPIC: MOTOR VEHICLE AUTO/PEDESTRIAN ACCIDENT - INTOXICATED PEDESTRIAN DEFENSE
VERDICT

SUMMARY:

Result: Verdict: Defense verdict

ATTORNEY:

Plaintiff's: Joseph J. Cariglia, Worcester

Defendant's: **John B. Stewart**, Springfield

JUDGE: Elizabeth Butler

RANGE AMOUNT: \$0

STATE: Massachusetts

COUNTY: Worcester County, MA

ALLEGED INJURY: Residual back pain. Plaintiff claimed \$5,000 in medical specials and \$4,000 in lost income.

SUMMARY:

Plaintiff Information:

Age: 34

Sex: M

Occupation: Unemployed laborer

Marital Status: Separated

Insurance Carrier: CIGNA

Jury Deliberations: 1 hour

Settlement Efforts:

Last Demand: \$15,000

Last Offer: \$6,000

FACTS:

Defendant Donais was operating a van owned by Defendant Devereux Foundation on a busy four-lane road. As plaintiff pedestrian attempted to cross the road at a stop light, he was struck by Defendant Donais. Plaintiff was wearing a walkman and listening to music at the time of the accident. He admitted consuming a large amount of alcohol and taking cocaine via intravenous injection hours before the accident.

Plaintiff alleged that Defendant Donais was negligent in speeding and in failing to pay full time and attention to the operation of her vehicle.

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Defendants contended that: (1) Defendant Donais entered the intersection on a green light; (2) plaintiff was crossing on a 'do not cross' signal; and (3) plaintiff was intoxicated and inattentive.

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Superior Court

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